A DISCOURSE FOR TAKING OFF THE TESTS AND Penal Laws ABOUT RELIGION.

The Disciples said, Lord, wilt thou that we command Fire to come down from Heaven and consume them, even as Elias *did? But he turned, and rebuked them, and said, Ye know not what manner of Spirit ye are of. For the Son of Man is not come to destroy Mens Lives, but to save them.* Luke 9. 54, 55, 56.

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The Preface.

Reader,

WHatever thy Thoughts may be of the Author of the following Diſcourſe, I can give thee Arguments enough, were it needful, to ſatisfie a Rational and Conſidering Mind, that He is moſt ſincerely concern'd for the Preſervation of the *Proteſtant* Religion, and the Univerſal Peace and Quiet of every good Subject.

He has made ſome Remarks on the Meaſures, which ſome of his Majeſty's Royal Predeceſſors have taken to Eſtabliſh Religion, but could never obſerve, that Penal Laws did ever effectually ſuppreſs a Falſe, or propagate the True Religion. The many Severities againſt the *Lollars*, from the *Sixth* of *Richard* the Second, to the end of *Henry* the Eighth, could never put a Stop to the Spreading of their Opinions; for under *Edward* the Sixth, the whole Nation became *Lollars*: And the Extremities endur'd under Queen *Mary*, tho' they Damm'd up the Water for a while, yet it was but in order to the Overflowing the whole Kingdom ever ſince. And it's to be preſum'd, that there are wiſe Men among the *Roman-Catholic*, who obſerving the miſchievous Effects of Penal Laws then, for ſo they muſt eſteem them, are ſo very much ſet againſt all ſuch Ways now. And ever ſince Q. *Eliz.* entred the Throne, a Conſidering *Proteſtant* will ſee more reaſon to conclude, that it's not the making Sanguinary Laws againſt the *Papiſt*, but the Power of Truth, that has hindred the Growth of *Popery*: For, notwithſtanding the moſt violent Perſecutions, that have been of late Years againſt the

Proteſtant Diſſenters, they have waxed ſtrong, and their Party more numerous now than it was ſome Years ago.

It's true, many, to eſcape the Penalty, have wounded their Conſciences; and others, who did not run the ſame Courſe with them, have been ruin'd, to the great Damage of the whole Nation; but none have been convinced, that the Church of *England* has the more Truth on her ſide, becauſe ſhe has exercis'd ſo much of her Perſecuting Power. Penal Laws for Religion have occaſion'd great Diſorders and Confuſions amongſt us, but never yet did any good; and therefore it is that the Author heartily wiſhes, that all ſuch Laws may be ſo vacated, as not to receive Life amongſt us any more.

I am very confident, that nothing can afford greater Satisfaction to the Author, than to ſee the very *Principle*, on which Perſecution is rais'd, ſo effectually eradicated, that none for the future may be expos'd to Corporal Mulcts for their Religion; No, not the *Quaker*, *Anabaptiſt*, *Independent*, *Presbyterian*, *Churchman*, nor *Papiſt*. The Author is afraid, that ſo long as the Perſecuting *Principle* lives, the prevailing Party, of what Perſuaſion ſoever, will make uſe of it. Let the *Principle* then, according to his Majeſty's Royal Reſolution, be deſtroy'd, and there are hopes of Peace and Quiet to the whole Kingdom. The fear is, that if the *Teſts*, which are a Branch ariſing from the Perſecuting *Principle*, be taken off, the *Papiſts* will be Empower'd to Eſtabliſh Perſecuting Laws; but what greater Aſſurance can we have againſt this Fright, than that his Majeſty, deſigning the Prevention of all ſuch Miſchiefs, will accept of any *Expedient* that ſhall be offer'd to him, and found ſufficient to ſecure us?

The Deſign therefore of theſe Papers, is to prepare and diſpoſe his Majeſty's Subjects to a Cloſure with what may Eſtabliſh our Peace and Tranquillity on a ſure Bottom; and the Author doubts not, but that our wiſe and thoughtful

Gentry

Gentry will weigh what is urg'd, and act as becomes good Engliſh-men and Chriſtians, and concur with his Majeſty, who deſires to make us all Happy with a *Great Charter*, *Declaratory* of the Ancient Conſtitution of our Government, whereby *Liberty of Conſcience* may be ſecur'd on the ſame Foundation our Civil Rights and Property are, and be ſetled amongſt the *Inalienable Rights* of the Engliſh-man. And the Reader is importun'd to conſider, that this is a Deſign, that no way leſſens the Church of *Englands* True Happineſs, or Juſt Glory; for it will not deprive any deſerving Perſon of that Communion of any Advantage. The whole they are ſought unto for, is, that their Neighbors be not deſtroy'd for not acting contrary to their Conſciences, and for not proſtituting their Souls to the Luſts of Perſecutors. And what Injury is done that *Church*, when nothing more is inſiſted on? unleſs it be ſaid, that their Happineſs conſiſts in other Mens Miſeries. And I may be bold to ſpeak thus much on the behalf of the *Diſſenters*, that they can cheerfully forgive all the paſt Injuries and Wrongs receiv'd from the Church of *England Clergy* and their Creatures; I muſt confine the Forgiveneſs to them, becauſe the Wrong was only from them. And it muſt be Recorded to the Glory of our *Engliſh Gentry*, that they ever hated thoſe Severities, and no doubt, having ſeen the Havock of a vehement Execution of Penal Laws for Religion, and of the Exceſſes which the Proſecutors fell into, will rejoyce to have an Opportunity to manifeſt more fully their Diſlike, by concurring with his Majeſty in a Repeal.

But to return, The *Diſſenter*, I am ſure, doth not only *Forgive*, but can eaſily *Forget* all that theſe Clergy-men and their Adherents have done againſt them, longing to ſee that Day, wherein *the Lamb may lie down with the Lion*, and in which *Ephraim ſhall not envy Judah, nor Judah vex Ephraim.* God is the God of Peace, and he has commanded it, and there-

therefore the *Diſſenters* deſire to purſue it. It's really a Matter of unſpeakable Grief to the *Diſſenters*, when they conſider how much ſome of the Church of *England* do revile them, for ſtudying the Things that would make even for *their* Churches Peace. And what an amazing Conſideration muſt this be, that the Church of *England* expreſs themſelves ſo vehemently againſt the Perſecution of Foreign *Papiſts*, and yet are ſo very angry with *Proteſtant Diſſenters*, for joyning with the Engliſh *Papiſts*, in putting a ſtop to the Perſecution at home? For w hilſt they plead for Penal Laws againſt the *Papiſts* for their Religion, they juſtifie the Penal Edicts that are againſt *Proteſtants*. To ſay that none muſt be puniſh'd for an adherence to *Truth*, but for a cloſure with *Error*, is no more than the moſt violent Perſecutor will concur with you in; for they never puniſh'd any for a good Work as ſuch, but for what they eſteem'd Evil.

The whole Controverſie about Penal Laws for Religion, muſt be reduc'd to this Head, *viz. Whether it be agreeable to the Divine Will, that any Man be puniſh'd Corporally, or depriv'd of his Civil Rights for the ſake of his Religion*? If it be Query'd, Whether it be lawful to puniſh any one Corporally for his being of the *True* Religion? All will hold in the Negative, and yet keep up Perſecution. For the Higher Powers eſteeming their own Religion the True, and all other Religions Falſe, tho' they are ſevere in puniſhing all others, yet 'tis becauſe they are of a Falſe Religion. But if the Queſtion be ſtated as above, and if it be held in the Negative, all Corporal Puniſhments for Religion are laid aſide, and a Stop put to Perſecution.

It muſt be carefully obſerv'd, that the *Proteſtant* can't have ſo ill an Opinion of the *Papiſt*, but the *Papiſt* has as bad an one of the *Proteſtant*, and ſo long as it is held lawful to propagate the *Truth* and ſuppreſs *Error* by Corporal Mulcts, the *Papiſts* will have as much reaſon for the uſe of theſe Methods

thods to propagate what he takes to be True, and ſuppreſs what he judges an Error, as the *Proteſtant* can.

This then muſt be fix'd, That it is not agreeable to the Will of God, to puniſh any Man Corporally, or deprive him of his Civil Rights for the ſake of his Religion. The ſetling this Principle will put an end to all Perſecutions, nothing elſe can do it.

Thus much the Author would inculcate on the Minds of his *Readers*, and is not in the leaſt mov'd by that extravagant Queſtion, *What, would you not have Blaſphemers and Murderers puniſh'd, if they pretend 'tis their Religion to Blaſpheme and Murder*? for 'tis manifeſt to all, that the Religion we are ſpeaking of, is what leans on *Poſitive Revelation*, and not that which the *Light of Nature* makes known. What is diſcover'd by *Natures* Light, and is a part of *Natural Religion*, is ſo very manifeſt to all Men, that no Man, without laying a Violence on his own Faculties, can pretend, that what is really contrary unto it, is a part of his Religion. Tho' thoſe Scriptures, from which are drawn the Rules of *Poſitive Religion*, muſt be acknowledg'd to be ſo obſcure and dark, that a Rational Man, who means well, may miſtake their true and genuine Senſe, yea tho he has the help of a Guide pretending *Infallibility*, yet Natures Laws are ſo plain, ſo clear and manifeſt to all Rational Men, that there is no room left for any ones falling into ſuch Miſtakes as are alledg'd, and pretend that it is his Religion to Blaſpheme and Murder. Miſtakes therefore touching the Senſe of a Scripture, are to be rectifi'd by Scriptural Reaſonings; but ſuch Faults as are committed againſt the Laws of Nature, are to be puniſh'd by the Civil Magiſtrate: I ſay, ſuch muſt be *puniſh'd*, becauſe they act contrary to their own Light.

The Difference between Crimes that the Light of Nature diſcovers, and thoſe Miſtakes that are about the Senſe of a Scripture, is ſo very great, that we cannot ſo argue from the

one

one to the other, as to infer a neceſſity of treating thoſe who miſtake the Senſe of a Text, with the like Severity they ought to be dealt with, who violate Natures Laws.

Thus much the Author inſiſts on, as what is agreeable to the Light of Nature, to the Ancient Conſtitution of our Government and the Rules of Chriſtianity, and accordingly forms his Arguments for the Taking off the *Teſts*, and all Penal Laws for meer Religion, propoſing ſuch Things to Conſideration, as may ſo move the Church of *England Clergy*, the *Proteſtant Diſſenter*, and *Roman-Catholic*, that notwithſtanding the great Differences there are between 'em in Matters of Religion, they may agree on this one thing, namely, to *Live peaceably together*. And that the *Papiſts* may never be in a Capacity to Perſecute any more in this Land, the Author makes it his Endeavor to perſuade our Nobility and Gentry to concur with his Majeſty in ſetling *Liberty of Conſcience* on ſuch a Bottom, that it may never be in the power of any to *Perſecute*. And he is confident that this is the only Way to ſettle the Peace of the Church of *England*; for nothing can ſo much endanger her as an obſtinate Adherence to Penal Laws and Teſts, which will provoke the Body of the Nation to conclude *Her* their only Enemy, and that it's their Intereſt to guard againſt her as ſuch. A too reſolute Endeavor to keep up her Perſecuting Power, may iſſue in her loſs of *that*, and all her External Pomp and Glory. 'Tis well known, that if the Pope in *Henry* the Eighth's Days had been more yielding, he might have kept this Nation much longer under his Power; and if our Clergy will be content with their preſent Standing, and part with their Penal Laws and Teſts, none will envy their Happineſs. God give them Wiſdom, not only to ſee their Error, which ſome ſay they now do, but to improve the preſent Opportunity, by a Chriſtian Concurrence with his Majeſty, in Setling their own and the Nations Peace.

A DISCOURSE

For taking off the

PENAL LAWS and *TESTS*

About

RELIGION.

THE many Diſcourſes that have been, and ſtill are about the *TESTS*, being on a Point of the Higheſt Importance, both to the King's Majeſty, and to the whole Kingdom, it doth moſt undoubtedly become every *Engliſhman* to conſider, with the greateſt Caution, not only the Nature of the *Thing*, but what may be the *Tendency*, either of the Damning or Eſtabliſhing 'em: And whoever ventures to offer his Thoughts about them, muſt remember, he has a very narrow *Bridge* to paſs over, where one falſe Step will be fatal; for there is ſuch a thwarting of Opinions, as makes the Caſe marvellouſly perplex'd and intricate. Some Great Men are fully perſuaded, that a *Taking* them off will prove pernicious to the *Proteſtant* Subject; And there are others of as great a Figure, who are convinc'd, that in this Juncture a ſticking to 'em will be more miſchievous to *all*, than the deſtroying 'em can be to *any*. And becauſe of the different Apprehenſions Men of a great Character have of this Thing,

the Inferior ſort are hugely diſtracted, and in a Commotion amongſt themſelves; which makes it neceſſary to do ſomewhat more than yet has been done to enlighten and ſettle the Body of the Nation on a ſure *Baſis*, in their Reaſonings about it: And I cannot think of a better Method than the *giving a juſt Account of the Ancient Conſtitution of our Government*, and the *ſeveral Intereſts of the KING and PEOPLE*: For, what is moſt agreeable to *that* Conſtitution and *theſe* Intereſts, is undoubtedly moſt ſafe and meet to be done. I will therefore keep to this Method, and in the firſt place mention juſt ſo much of the *Ancient Conſtitution* of the Civil Government as is neceſſary to the preſent purpoſe, and 'tis this.

THE *Civil Government* muſt be recogniz'd to be a *thing entire within it ſelf*, and of diſtinct Conſideration from *Religion*. For altho' there may be many Religions in a Kingdom, yet the *Government* is but One and the ſame; and tho' there may be great Alterations made on the *Religion* of the *State*, yet that makes no Alteration on the *Government*. The blending any particular Religion ſo very cloſe to Government, that a change of the former muſt infer a ruin on the latter, is quite contrary to the Ancient Conſtitution of this Nation, in which the Religions have been various, even when the Government remain'd the ſame, unalter'd and unſhaken. The change of Religion from Heathen to Chriſtian made no Alteration on the Government, nor did the turning it from Popiſh to Proteſtant. Under all theſe Viciſſitudes and Changes, the Civil Government (for of that I ſtill ſpeak) was the ſame.

And as Civil Government is diſtinct from Religion, and entire without it; *ſo* the different *Subjects* and *Ends* of the one and the other makes it apparent. Civil Government, in the Intention of the Ordainer, is deſign'd to maintain Peace among Men as Men, and is Converſant about the *Outward Man*, regulating it by that Law which is reveal'd by a Light common to Mankind, and maketh uſe of *Coercion* for the enforcing Obedience: But the Deſign of *Religion* is

to

to procure a Peace between God and Man, and its Subject is of a far larger Extent; for it reacheth the Souls of Men, giving Laws for their Regulation, which are Sanction'd by *Spiritual*, not *Corporal* Retributions.

I doubt not but the Intelligent Reader will do me right in the taking it for granted, that when I diſtinguiſh *Civil Government* from *Religion*, it's meant of that *Religion* that leans on Poſitive Revelation, and not of *Natural* Religion, that lieth in an Obſerving of the Laws given us with our Being: For it is the great End of Civil Government, to ſee that Men frame their Manners in conformity to *thoſe Laws*, and by Corporal Mulcts to puniſh ſuch as violate 'em. But the Religion that is founded on Poſitive Revelation, tho it comprehends Natural Religion within its compaſs, yet as contradiſtinguiſh'd from it, the chief Duty it requires is *Faith*, which can no ways be forced; and being to regulate Mens Hearts, it can operate no otherwiſe, but by the propoſal of *Spiritual* Encouragements and Threats.

Here then do's ariſe a clear difference between *Civil Government*, and *Poſitive Religion*: The one is only converſant about the *Outward* Man, taking no cognizance of Mens *Thoughts* but in order to the *Outward Act*; The other is converſant about the *Hearts* of Men. The one therefore makes uſe of *Coercion*, or *Corporal* Enforcements; the other of *Spiritual* only. If a Man violates thoſe Laws that are adjuſted for the keeping *Peace* amongſt Men, as ſuch, he is obnoxious to a *Corporal* and *External* Penalty; but if his Crimes lie only in tranſgreſſing thoſe Laws that are brought to light by *Poſitive Revelation*, he is only liable to a *Spiritual* Puniſhment, not to what is *Corporal*.

The Eccleſiaſtical Law and the Temporal Law have ſeveral Proceedings, and to ſeveral Ends; The one being Temporal, to inflict Puniſhment on the Body, Lands, or Goods; The other being Spiritual, pro ſalute animæ. *The one to puniſh the* Outward Man, *the other to Reform the* Inward. *And this appeareth in* 20 Hen. 7. 22. & 10 Edw. 4. 10 Coke, Caudrey's Caſe.

Thus the Civil Government (I ſay) regards the *Outward* Converſation, the *Keeping an External Peace* amongſt Men, by taking care that they obſerve the *general* Laws of *Nature*, and every other *particular* Law, which either *Cuſtom*, or the

preſent *State of Affairs* declare to be neceſſary for the *good* of the *People*. But *Religion* reſpects the *Conſciences* of Men, having only the advantage of *Perſuaſion* to propagate, or at leaſt defend it ſelf againſt *Forcigners*; to which is added the power of caſting all *Domeſtick Adverſaries* out of *Communion*, that cannot be prevail'd with by *Perſuaſion*.

The confounding *theſe* has prov'd miſchievous to Kingdoms, and ſo has the twiſting Religion with the Government of the State, *ſo as* to make it lawful to deprive the Subject of his Civil Liberty or Property for not cloſing with the Religion. Thus much I may ſafely affirm, altho' I ſhould alſo (as I do) grant, that it's the Duty of the Government to encourage that Religion which it eſteems beſt; for there is a great difference between the encouraging Men of one Religion, and the deſtroying all of another. Beſides, ſuch is the Nature of true Religion, as obliges its Profeſſors to be content with *Religious* (without calling in the Aid of *Civil*) *Methods* for its Security and Defence. And its no part of *Civil Government* to uſe *Coercion* for the advantage of any Religion: Be the Religion what it will, unleſs it can defend it ſelf by dint of Argument, it may fall, for any help the Civil Powers are bound to give it. And let all the Religions ſtand in equal Favor with the Higher Powers, it's not to be doubted, but ſuppos'd, that what's *True* will be found to prevail and conquer. And thus much we boldly aſſert, according to *Chriſt*'s Doctrin, which aſſures us of no other deſtruction of all Hereſies, than by the Brightneſs of his Coming; and no other overcoming all his Adverſaries, but by the Sword that goes out of his Mouth, *viz.* the Word of God.

It is therefore to be obſerv'd very much to our purpoſe, what was the Practice of the firſt Chriſtian King amongſt the *Saxons*, as venerable *Bede* in his Eccleſiaſtical Story expreſly avers. For *Ethelbert* (ſaith *Bede*) after due deliberation receiv'd *Chriſt*'s Religion, and tho' reſolv'd to give the greateſt Countenance to thoſe who became Chriſtian, yet would *compel none* to receive the ſame Faith he did, believing, as he was taught, that the Service of *Chriſt* ought to

Nullum tamen cogeret ad Chriſtia-

to be *Voluntary*, and not by *Conſtraint*. Now according to this firſt Record in our Engliſh Hiſtory, I muſt aver, that after the ſtricteſt Endeavor I could make for the inveſtigation of Truth in this Particular for ſucceeding Generations, I have been induc'd from the whole to conclude, That as Government and Religion are two diſtinct Things, their Subjects and their Ends diſtinct; in like manner as True Religion rejects all *Coercive* Props and Supports, as what is contrary to ſome ſpecial Rules given by our Lord *Jeſus Chriſt* himſelf; So the Ancient Conſtitution of our Government is ſuch, as offers Protection to all that demean themſelves like good Subjects, of what Religion ſoever they be; That Liberty and Property are too ſacred to be invaded for the ſake of an Opinion that no way hurts it; And that the Temporal Peace and Quiet, which is the reſult of an entire enjoyment of Liberty and Property, is ſo much the Engliſhman's *Right*, that no one without unjuſt *Violence* can *deprive* him of it for his Religion. The truth of which is ſo very obvious, that every particular Engliſh Spirit cannot but find it as it were engraven on his own Soul; for what People under the Cope of Heaven are more tender of Liberty and Property than the Engliſh?

And I am ſure, that the other day a great Lawyer expreſs'd himſelf very freely touching the Subjects Rights, affirming, That as Kings have their Prerogatives too great for an Act of Parliament to bound or limit, and as the next Heir to the Crown has ſo firm a Right to the Succeſſion, that no Conſideration of Religion, no, nor that of Treaſon it ſelf, can be made a Bar to exclude him, for *Jura Sanguinis nullo jure Civili dirimi poſſunt*; So Subjects have their various and different Rights, either by *Inheritance*, *Creation*, or *Election*, anſwerable to their ſeveral Qualities, which no Act of Parliament can diveſt them of, inſomuch that if a Statute be *de facto* made contrary to a Fundamental Right of the Subject, it's void and null; and if any one in purſuance of ſuch a Statute, raviſh from the Subject his Liberty and Property in one King's Reign, he may (as it has been heretofore) ſuffer for it in the Reign of another. I inſiſt not never-

niſmum, ſed ſolummodo credentes arctiori dilectione quaſi concives ſibi regni cœleſtis amplecteretur. Didiceret enim & à Doctoribus, auctoribuſque ſuæ ſalutis ſervitium Chriſti *Voluntarium*, non *coacticium* debere eſſe. *Bede Hiſtor. Eccleſ. Gent. Angl. l.* 1. *c.* 26.

nevertheleſs at this time on this Great Man's Opinion, any farther than to offer it to the Conſideration of the Learned in the Law, that (if poſſibly I may do it) they may be provok'd to an Enquiry, and to give the People ſome farther Satisfaction than *he* did, when he only told me it was ſo plain, that inſtead of confirming it by Authorities, he muſt defere to the known Rule, viz. *In rebus manifeſtis errat, qui authoritates Legum allegat, quia perſpicuè vera non ſunt probanda.* For let this Opinion be clear'd, 'twill contribute extreamly towards the ending the preſent Controverſie, eſpecially if the other thing he mention'd alſo (which indeed concludes our whole Argument) be made out, *viz.* That amongſt the *Inalienable Rights* of the Subjects, we muſt reckon this, That no Free-Man may be depriv'd of his Liberty or Property, or any other Civil Right or Privilege, for the ſake of his Religion, ſo long as his Religion has no influence on the Government. Let this, I ſay, be made good, 'twill unavoidably follow, that all the Penal Laws for meer Religion, and the Securing the Teſts muſt appear to be *ab initio*, void and null; and a Great Charter Declaratory of ſo much, will put a ſtop to Perſecution for evermore for Conſcience ſake, and anſwer all the Objections that can be brought againſt the Taking away the Teſts.

But to return; It's my part to enquire more particularly, *Whether the Damning, or Eſtabliſhing the Teſts, be moſt agreeable to what I have declared the Ancient Conſtitution of our Government to be?* And the Solution is eaſie; for from the Contexture of the foregoing Diſcourſe, we muſt conclude for the Taking them off, becauſe they twiſt the Religion of one part of the People ſo cloſely with the Government, as to deprive the Body of the Nation of their Civil Rights, Liberty and Property, for the ſake of an Opinion that hurts no Body but its Owner. There are three or four Teſts, which do twiſt Religion and the Civil Government ſo unluckily together, that whoever ſcruples the Religious part of the Teſt, is immediately eſteem'd an Enemy to the Government.

The Firſt requires, that they who take it do declare, that they'll

they'll never endeavor *any Alteration of Government* in the Church. The Second obliges all in Office to Receive the Lord's Supper according to the Church of *England*, and declare in these Words, [*I A. B. do declare, That I do believe that there is not any Transubstantiation in the Sacrament of the Lord's Supper, or in the Elements of Bread and Wine, at, or after the Consecration thereof by any Person whatsoever*]. 25 Car. 2. cap. 2. The Last, imposed both on the Nobility and Commons chosen to Sit in Parliament, runs thus, [*I A. B. do solemnly and sincerely in the Presence of God profess, testifie, and declare, That I do believe that in the Sacrament of the Lord's Supper there is not any Transubstantiation of the Elements of Bread and Wine into the Body and Blood of Christ, at, or after the Consecration thereof by any Person whatsoever; And that the Invocation or Adoration of the Virgin Mary, or any other Saint, and the Sacrifice of the Mass, as they are now us'd in the Church of* Rome, *are Superstitious and Idolatrous.*]

These being the several Tests impos'd on the Subjects of this Realm, there are these several Arguments which occur to my Thoughts against their contin'd Establishment.

I. It's contrary to the *Liberty* of the Subject, who without just cause is hereby depriv'd of his Rights as an Englishman. It is the Right of a Freeholder in the County, and of a Free-man of any City or Town Corporate, to choose his Representative in Parliament, and the Right of those freely chosen, if good Subjects, which they may be, tho' of a Religion different from that of the State, to Sit in Parliament; and it's the Birthright of our Ancient Nobility, and the most undoubted Right of every Peer of the Land, tho created a Peer but yesterday, to Sit in the Higher House of Parliament, and Advise and Consent to the Enacting Laws. And it's a known Case, that tho' a Man be Excommunicate, yet he is not thereby divested of his Right to choose his Representative; and why, but because a Man may remain a good

My Lord Chief Justice Coke *positively affirms, That the Barons ought to have a Writ of Summons* ex debito Justitiæ, *to Sit in Parliament; and its most manifest, that their Summons must be either of* Grace, *or* ex debito: *If the* former, *it lies in the Breast of the King to call whom of the Lords he will, and so never want an House of Lords for his Purpose; if the* latter, *then my Argument abides in its strength, and it's the Barons Right to be Call'd and Sit in Parliament.*

good Subject and a good Engliſh-man, altho' thrown out of the Church, and therefore ought to enjoy the Privilege of an Engliſh-man. And why ſhall not the Perſons choſen, and the Nobility, ſo long as they ſufficiently demonſtrate to the World, that they are true Engliſh-men, and good Subjects, enjoy their undoubted Rights and Privileges? What belongs to a good Subject as ſuch, belongs to every good Subject, and it's a Wrong to rob him of it. Let there then be ſuch a Teſt impos'd, I mean a CIVIL TEST, which Characterizes a good Subject, and which a good Subject cannot refuſe to take, and let that be all; for that ſurely may be made ſufficient and unſcrupulous, to ſecure the juſt Prerogatives of the King, and the Liberty and Property of the Subject, which is the whole Concern in it, that a true Engliſh-man, as ſuch, is bound to look after.

II. The Impoſition of a Religious Teſt on the Subject, excluding the Refuſers from having any Advancement in Places of Truſt, is a Branch of that Doctrin on which all Penal Laws for Religion are grounded; for the excluding a Man from entring on, and a turning him out of any Place of Truſt and Advantage, for the ſake of his Religion, is as Penal as the taking from him his Liberty and Property for Religion.

There is no difference in the general Nature of the Penalneſs of theſe Laws, the difference lies in the particular Kinds of the Penalty; the one is meerly Privative, and the other Poſitive; the one a Caſting 'em out of Heaven, the other a Caſting 'em into Hell. The Nonconformiſts therefore judge, that the turning 'em out of their Places, was a Puniſhing 'em for their Conſciences, and they reckon it a great part of their Sufferings for Religion as well as they do their Impriſonments. Whoever then is againſt the continuance of the Penal Laws, if he will be conſiſtent with himſelf, muſt be for the taking away all Religious Teſts, ſeeing otherwiſe ſome good Subjects may ſuffer for Conſcience ſake, which is the thing they decry. They may ſuffer the loſs of their Civil Rights, as moſt certainly thoſe Lords do, who are excluded the Houſe in Parliament-time. And how

how then ſhall we imagine that any Diſſenter that is truly and conſiderately ſuch, can be for the Eſtabliſhing the Teſts? For thereby, whilſt they deſire Liberty for themſelves, they cry for Vengeance on others; and whilſt they deſire a Prince of a Religion different from themſelves, to eaſe them, they muſt have Men of the King's Religion continu'd under Perſecution, than which nothing can be more unreaſonable; ſeeing, in good earneſt, if they are for the Perſecuting others, it's a thouſand to one, but that they may tempt the Government to give themſelves the worſt of it.

III. This blending and twiſting Matters *Religious* with the *State* ſo cloſely (as to make a Miſtake in Religion to be enough to demonſtrate the Man an Enemy to the Government) ſeems to be a Reſult grounded on that pernicious Notion, [That *Dominion is founded in Grace*]: For why elſe muſt a Man be of the *Religion*, that he may have a Share in, or Countenance from the Government? If Government be not founded in Grace, then Grace, or the being Religious, is no neceſſary Step to get up into the Government. Beſides, according to the preſent Practice of the violent Aſſerters of Teſts, be their Principle what it will, all the Conſequences of that Doctrin [*Dominion is founded in Grace*] do naturally iſſue from their Practice, ſeeing by the ſame Reaſon a Church-of-*England* Parliament excludes from the Favor of the Government all but Church-of-*England* Men; a *Popiſh*, *Presbyterian*, *Anabaptiſtical*, *Independent*, or *Quaking* Parliament, may exclude all from the ſame, but Men of their own Perſuation. And what is more conſiderable, the Church of *England*, ſo long as ſhe is for this Practice, that ſhe may defend it, muſt inſiſt either on her being in *Poſſeſſion*, or on a *Right* only upon this account, becauſe ſhe is of the true Religion. If on the former, then whoever is in poſſeſſion, may have the ſame Plea; and this is no other than what every Uſurper may make: But if the later, it cannot hold good, unleſs the Government be appropriated to True Religion, and that none have a Right to Govern but thoſe of the True Religion, and all others be Uſurpers, and to be Depoſed. And let this be once granted, it will follow,

That, Men of every different Religion judging themſelves in the Right, there is, and can be no Sect among us, but they may hereby be equally encourag'd to lay a Claim to to the Government: And what would be the Conſequence hereof, but a turning the whole Nation into a Flame, a foſtering Sedition, and all manner of Traiterous Practices againſt the Government (be it either *Roman-Catholic*, *Presbyterian*, or *Epiſcopal*); for there will be ſtill ſome, who are of a different Religion from it, who muſt eſteem themſelves oppreſs'd while kept out, and judge it their Duty to be ever Contriving, Conſpiring, and Conſulting how they may be poſſeſs'd of their fancy'd Right.

IV. The joyning Religious Teſts with Civil Government, has occaſion'd much Miſchief in the Land theſe laſt hundred Years, to the impoveriſhing thouſands of Families. All the Miſeries which the Nonconformiſts have endur'd in this laſt Age, had their Riſe and Continuance from this Practice, the mingling *Religious* Teſts with the *Civil*: For of the Three Articles, unto which all the Clergy were requir'd to Subſcribe (and for not Subſcribing which the Nonconformiſts were call'd Factious, Seditious, and Rebellious) when the Firſt touches the Juſt Power of the King; the other Two are about the Ceremonies and Government of the Church. Subſcription now to the *Three* was ſtrictly enjoyn'd; and tho' the Nonconformiſts declar'd their good liking of the Firſt, yet not Subſcribing to the *Two* laſt, they were Cenſur'd for refuſing to Subſcribe the *Three* Articles, and ſo for diſowning the King's Juſt Power. And that the Laity might alſo be enſnar'd into the ſame Calamity, if Proſecuted in the Spiritual Courts, tho' if griev'd thereby they might Enter their Appeal, yet unleſs they did firſt Perſonally Promiſe and Avow, that they would faithfully keep and obſerve all the Rites and Ceremonies of the Church of *England*, and alſo the Preſcript Form of Common-Prayer, and likewiſe Subſcribe to the Three Articles formerly ſpecifi'd and declar'd, no Judge *ad Quem* was to admit or allow of his or their Appeals, and all that thus refus'd to Subſcribe, were call'd *Factious Appellants*. *Vide Can.* 36. & 98.

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The like method being obſerved in one of the preſent Teſts, wherein the Takers are to promiſe, *That they'll not endeavor any alteration of Government in* Church *and* State: And altho' they could heartily declare they'll not endeavor any alteration in the Government of the State, yet becauſe they could not ſay the ſame with Church-Government, they have been repreſented as Enemies to the State, as well as to the Hierarchy, and as ſuch expos'd to all manner of Odium, Reproach and Ruin. Methinks the Proteſtant Diſſenter ſhould take warning, and have a care they be not in the preſent conjuncture cajol'd by their perfect Enemies to plead for a continuance of this Uſage.

I will in the next place propoſe what may be urged againſt the ſeveral Teſts diſtinctly; and ſo ſhew what reaſons there are for the taking away all of them.

The firſt Teſt that I ſhall conſider, is the Declaration, *That they will not endeavor any alteration of the Government in* Church *or* State.

By this Teſt, beſides the above-mention'd Inconvenience, all that take it are as much oblig'd to the *Eccleſiaſtical*, as they are to the *Civil* Government; which brings to my remembrance a paſſage I have met with in the Writings of a Church of *England* Divine, who ſpeaking of the Power of Parliaments; as, Whether a Parliament might not change the Government of the Church? His Reply was, *That they might, if they could change an Eſſential of our Conſtitution*: As if an Alteration of the Hierarchy had been a Subverting the government of the State; whereas nothing can be more clear, than that this particular ſort of Eccleſiaſtical Government, under which we now are, is but an accidental and a movable Appendage to the Civil Conſtitution. Thus much is known, not only to our great Lawyers, but to the Nobility and Gentry. The Biſhops, as ſuch, who are a conſtituent part of the Eccleſiaſtical Government, are not *God's*, but the *King's Creatures*; and all their Power, as diſtinguiſhed from their dealings with mens conſciences by the Word of God, is derived from the King. The words of 37 *Hen.* 8. *c.* 17. are, *That the Archbiſhops, Biſhops, Archdeacons, and other*

Eccleſiaſtical perſons, have no manner of Juriſdiction Eccleſiaſtical, but BY, UNDER, *and* FROM *the King's Royal Majeſty.* Thus it was in the Judgment of King *James* I. Queen *Eliz. Edward* VI. *Hen.* VIII. and upward, amongſt all the Princes of the Roman Communion, ſo far as I can obſerve. But the ſuppoſing it ſo eſſential to the Government, that a Parliament can't *Alter* it, as this Clergy-man inſinuates, and to oblige the Subject (as this Teſt does) ſolemnly to declare he will never endeavor an Alteration of it, as if the Prelatic Power had its Origine from Heaven, and not from the King only; doth, as I humbly apprehend, make it neceſſary for the Government to take off the Teſt, and aſſert their Power, by an exerciſe of it in this great Inſtance; which, I am aſſur'd, is a thing the Nobility and Gentry deſire to be at, and therefore I need not dwell on it any longer.

The *Second*, which is impos'd on all that bear Office in the Kingdom, *viz.* [*The taking the* SACRAMENT *of the* LORD's SUPPER, *according to the Uſage of the Church of* ENGLAND.] Be the man ever ſo Ignorant or Debauch'd, if called to Office he muſt receive the Sacrament. Altho' Almighty God has ordained it only for the Worthy, and moſt look upon it as the moſt Solemn and Sacred Ordinance of the Goſpel; yet muſt this Pearl be proſtitute to Swine, this Holy thing profuſely given to the vileſt of men, ſuch as common Drunkards, Whoremongers, Adulterers, and Blaſphemers of God, and that without ſcruple; for that there are many ſuch amongſt the common Soldiers, and alſo in Civil Offices, is beyond Controverſie. Beſides, let a man be a knowing and pious Chriſtian, eminent for Loyalty to his Prince, and acknowledged by all to be a good Subject; yet if he cannot take it *according to the Uſage of the Church of* England, himſelf muſt be deprived of a Place of Advantage, and the Government of his Service. So that I take this Teſt to be directly contrary to the Laws of God, and the good of the *Government*; and I cannot imagine how any man that has the awe of God upon his Soul, and a love to the Government, can conſent to the

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eſtabliſhing of it. Eſpecially conſidering, that the *Uſage of the Church of* England is to receive the Elements kneeling, which is a geſture of Adoration, and ordained to avoid Profanation, even *before* that Bread which is denied to be God, and eſteemed only his Image, which ſome think (and therefore refuſe to take it) to be Superſtitious and Idolatrous. But how fond ſoever the Church of *England* may be for the ſetling this Teſt; yet ſure the Proteſtant Diſſenter, unleſs he'll offer violence to his avowed Principles, can't be for it.

To this there is added the following Declaration, which all in any Office, *Civil* or *Military*, muſt take in theſe words; [*I* A. B. *do declare, That I do believe that there is not any Tranſubſtantiation in the Sacrament of the Lord's Supper, or in the Elements of Bread and Wine, at or after the Conſecration thereof by any perſon whatſoever.*]

This *TEST* being a part of that which the Peers and thoſe who ſit in Parliament muſt take, I will only obſerve in this place how unhappily it's worded; for, unleſs there be ſome *Errata*'s in my Statute-book, a man muſt declare, *That in the Elements of Bread and Wine there is no Tranſubſtantiation after the Conſecration:* It's not ſaid, [No Tranſubſtantiation into the Body and Blood of Chriſt] but more indefinitely, No Tranſubſtantiation *at all*; whereas, after the Conſecration, they are eaten and drunken, and after the eating and drinking them there is a Tranſubſtantiation of them into his own Fleſh and Blood, in like manner as any other thing he eats or drinks is: So that this Teſt being a ſolemn Declaration which a man is to make of his *Faith*, he ought to be more explicit in the wording of it. I preſume farther, That had it been matter of doubt in *Phyſics*, whether the Bread be turned into the Fleſh of him that eats it; yet it's not ſo clear, that the contrary ſhould be made a matter of Faith, and that ſuch, as whoever believes it not, muſt be made uncapable of any Office in the State.

But this defect being ſupplied in the *Parliamentary Teſt*, I will go on to that, which is in theſe words; [*I* A. B. *do ſolemnly and ſincerely, in the preſence of God, profeſs, teſtifie, and*

and declare, That I do believe that in the Sacrament of the Lord's Supper there is not any Tranſubſtantiation of the Elements of Bread and Wine into the Body and Blood of Chriſt, at or after the Conſecration thereof, by any perſon whatſoever; And that the Invocation or Adoration of the Virgin Mary, *or any other Saint, and the Sacrifice of the Maſs, as they are now uſed in the Church of* Rome, *are Superſtitious and Idolatrous*, &c.]

The firſt part of this *TEST*, I confeſs, is well worded, and what a Proteſtant Diſſenter, according to his own Principles, may ſafely take, tho' not impoſe; but how it can be exacted from every Church of *England* man to take it, or how they can urge the continued Impoſition of it on others, is beyond me to comprehend. My reaſon, in ſhort, lies here: The Church of *England*, in her firſt framing after Queen *Maries* Death, did, in *Obedience* to Queen *Elizabeth*'s Command, take ſpecial care to open her doors ſo wide, that no one for his believing Tranſubſtantiation ſhould be excluded her Communion: And if not deprived thereby of the Privileges of the *Church*, why of thoſe of the *State?*

The very driſt of the Church of *England* has been to twiſt the two Intereſts of Church and State ſo cloſely together, that none ſhould have any Advantages from the State, but thoſe who were of the Communion of their Church; and whoever was of the Communion of their Church, was the perſon qualified for the entire enjoyment of all the Privileges of the State; and what was not a bar to Church-Communion, was none to the being poſſeſſed of State-Privileges. Tho' they would deprive men of their Civil Liberties for not being of their Communion, yet they never denied them to thoſe whom they thought meet to admit to her Communion; and indeed, unleſs ſhe will acknowledge that the Terms of her Communion, as a *Church*, are too wide, I cannot ſee how ſhe can deny thoſe whom ſhe admits to her Communion an Intereſt in the Advantages of the Government of the Land. So that if it has been her care to open the way, that thoſe who believe Tranſubſtantiation may, notwithſtanding that belief, be admitted to her Communi-

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on, the making this Teſt to the excluding all ſuch Believers of Tranſubſtantiation from their Civil Rights, muſt needs be unjuſtifiable in the Church of *England*.

But, in Obedience to Queen *Elizabeth*, it has been the endeavor of the Church of *England* to explain the Doctrin of the Real Preſence in the Holy Euchariſt, in ſuch a Latitude of Expreſſion as might indeed take in under it the Notion of Tranſubſtantiation.

Thus much the Queen commanded, as Dr. *Burnet* in his *Hiſtory of Reformation* reports in theſe words: [*The Queen, who inclin'd to keep up Images in the Churches, was reſolved to have the Manner of Chriſt's preſence in the Sacrament left in ſome general words, that thoſe who believe the Corporal Preſence might not be driven away from the Church by too nice an Explication of it.*] And, as Dr. *Heylin* aſſures us, the Church obey'd this Injunction; For, ſaith he, in his *Hiſt. of Q. Eliz. In the firſt year of K.* Edward, *the Sacrament of the Lord's Supper being delivered with this Benediction, that is to ſay*, [The *Body* of our Lord Jeſus Chriſt, which was given for the Preſervation of thy Body and Soul to Life everlaſting; The *Blood* of our Lord Jeſus Chriſt, *&c.*] *This was thought by* Calvin *and his* Diſciples *to give ſome countenance to the* groſs *and* carnal *preſence of Chriſt in the Sacrament, which paſſeth by the name of* Tranſubſtantiation *in the School of* Rome. *This was alter'd into this Form in the ſecond Liturgy, that is to ſay*, [Take, eat this, in remembrance that Chriſt died for thee, and feed on him in thy heart by Faith with Thankſgiving. Take and drink this, *&c.*] *But the* Reviſers *of the Book in Queen* Elizabeth's *time joyned both Forms together*, [that ſo, according to the Queen's Injunctions, the Corporal Preſence, by the Addition of the old Form, might receive countenance.] *Upon this ground they expunged alſo a whole Rubric at the end of the Communion Service, in which 'twas declared, that* Kneeling *was not in Regard of any Real and Eſſential Preſence of Chriſt's Body and Blood. And, to come up cloſer to the Church of* Rome, *it was ordered by the Queen's Injunctions, That the Sacramental Bread ſhould be made round, in faſhion of the Wafers as in Queen* Mary's *Days. She alſo ordered, That the Lord's Table*

Table ſhould be placed where the Altar ſtood. So far *Heylin.*

Beſides, in purſuance of the *Queens* Orders, in the *Communion*, in the *Catechiſm*, and Book of *Homilies*, there are ſeveral Expreſſions countenancing the Real and Corporal Preſence, which has been the occaſion of Dr. *Moor*'s brief Diſcourſe on the *Real Preſence*; in which it muſt be obſerv'd, that the Doctor putting us in mind of the Biſhop of *Meaux*'s Judgment, which was, That the Opinion of the Real Preſence is the Doctrin of all the Churches, as well Reform'd as Unreform'd; The Doctor adds, That he muſt confeſs he has been of this Perſuaſion (ever ſince he wrote his *Myſtery of Godlineſs*) *viz.* That it is the Doctrin of the Church of *England*, and that the Doctrin is true; And he further aſſures us in theſe Words, *I remember* (ſaith he) *this I have heard from a near Relation of mine, when I was a Youth, a Dignitary of the Church of* England, *and that often*, viz. *That our Church was for the* Real Preſence; *but for the* manner *thereof, if asked, he would anſwer*, Rem ſcimus, modum neſcimus; *We know the* Thing, *but the* Mode, *or* Manner *thereof we know not. And the Aſſurance we have of the Thing is from the common Suffrage of the Ancient Fathers, and from the Scripture it ſelf, which impreſs'd that Notion on the Minds of our pious Predeceſſors in the Church of God.—Nor can we, as I humbly conceive, relinquiſh this Doctrin of the* Real Preſence, *without declining the moſt eaſie and natural Senſe of the Holy Scripture, as it ſtands written in the Sixth Chapter of*
Pag. 42. *John.* Of which this Doctor ſaith, *It is plain, that our Saviour's Diſcourſe in this Chapter has for its* Object *or Subject, not the* Manner, *or Way of receiving his Body and Blood, as if it were meant of that very Fleſh and Blood on the Croſs, but that it was to be receiv'd in a* Spiritual manner, *which Interpreters ſeveral of them drive at, but the* Object *of his Diſcourſe* is his very Fleſh and Blood it ſelf, *to be taken* (*as the* Fiſh *and* Loaves *were, wherewith he lately fed them*) *or it is* Himſelf *in reference to his Fleſh and Blood, which belongs to him as he is the* Eternal Word.

Thus far Dr. *Moor* of *Cambridge*, if he be the Author of the

the *Myſtery of Godlineſs*, from whom I obſerve the Doctrin of the Church of *England* to be this, *viz.* That the very Fleſh and Blood of Chriſt is *preſent* in the *Celebration* of the Holy Euchariſt in the ſame Senſe as the Fiſh and Loaves were preſent to the multitude miraculouſly fed by them. Of this *Thing*, with them there is no doubt, tho' as to the *Manner*, how it ſhould be ſo, they are in the dark. And were not the Fiſh and the Loaves Corporally preſent? How then can the Fleſh and Blood of Chriſt be preſent in the Euchariſt as the Fiſh and Loaves were, unleſs *Corporally* preſent? And if Corporally preſent, there muſt be either a Tranſubſtantiation or a Conſubſtantiation. And I have heard ſome Learned *Proteſtants* ſay, that of the two, Conſubſtantiation is the moſt difficult and perplexing. And this Doctor himſelf, unleſs he lays a violence on the very Words of the Text, as underſtood by all Men throughout Chriſtendom, whether *Papiſt* or *Proteſtant*, and moreover falls into one of the greateſt Extravagances of *Plato*, cannot eſcape a cloſure with Tranſubſtantiation. For he offers nothing towards the ſolving this great *Phainomenon* but this, That tho' the Body of Chriſt is preſent, yet not the *Body Broken* on the Croſs (tho' the Holy Ghoſt expreſly affirms it); but a Body made of Divine and Spiritual Fleſh and Blood every where preſent, a Vehicle for the Eternal *Logos* to inhabit: So that he is neceſſitated, contrary to expreſs Scripture, not to make a Coat for the Moon, but (God Almighty knows, with horror I mention it) a Coat for the Godhead of Chriſt, a Body compos'd of Fleſh and Blood, of equal extent with and for the Clothing of Divine Nature; For the countenancing which, he brings *Gratian* a Popiſh Canoniſt (whom he quotes out of *Morney*) diſtinguiſhing between the *Body* of Chriſt's *Soul*, which was *Broken* on the Croſs, and the *Body* of the *Eternal* Word or *Logos*, and affirms, That the Body in the Euchariſt is the Omnipreſent Body of the Eternal Word, which is there *Corporally* preſent.

From the whole then I would humbly propoſe to the Reader's Thoughts theſe few Conſiderations.

1. That the Doctrin of the Church of *England*, as fram'd

by its firſt *Queen-Elizabeth-Reformers*, is ſo generally expreſs'd, as to admit of a Senſe owning Tranſubſtantiation. 2. That in favor of the *Papiſts* there are ſo many Expreſſions in their *Liturgy*, *Catechiſm*, and *Homilies*, that very lately a great Church-of-*England* Doctor, the Head of a College, with the Countenance of the Archbiſhop of *Canterbury*, is conſtrain'd to hold that the Church of *England* is for a *Real Preſence* in the ſame Senſe the Fiſh and Loaves were preſent to thoſe that fed on them; that is, they are for a Corporal Preſence. 3. They cannot eſcape a falling in with *Tranſubſtantiation* any other way, than by cloſing with a Notion manifeſtly falſe and *Platonic*. All which carefully weighed, I advance to this Concluſion, That *the Church of* England *has hitherto had ſuch favorable thoughts* of a *Corporal* Preſence of Chriſt's Body in the Euchariſt, and ſo much compaſſion for the Believers of *Tranſubſtantiation*, and have ſo far given up the Cauſe to the *Papiſt*, that they cannot oppoſe *Tranſubſtantiation*, without embracing as falſe, and a more abſurd Notion; and that therefore *its now become moſt unreaſonable for them to make the believing of* NO TRANSUBSTANTIATION *to be a Condition of our Nobilities enjoying thoſe Civil Privileges which are theirs by Inheritance.* And I doubt not, but when our *Proteſtant* Lords ſhall in their great Wiſdom have conſulted the Senſe of the firſt Reformers in Queen *Elizabeths* Reign, the Countenance our Liturgy, Catechiſm, and Homilies give a Corporal Preſence, on purpoſe to encourage the Believers of *Tranſubſtantiation* to come to their Communion, they will ſee cauſe to conclude, That it's very hard (were it their own Caſe) to be juſtled out of the Rights of Peerage for an Opinion that muſt lie in their Judgment ſo doubtful. And that, whilſt our Clergy are ſo zealous for the Name of Prieſts, and for the Erecting and Railing in their Altars, there is cauſe alſo, why a Son of the Church of *England* ſhould not be for the Continuation of this part of the *Teſt*.

The Doctor's Book lately Licenſed by the Archbiſhop's Chaplain.

The laſt Clauſe of the *Teſt* runs thus, [*And that the Invocation or Adoration of the Virgin* Mary, *or any other Saint, and the Sacrifice of the Maſs, as they are now us'd in the Church of* Rome, *are Superſtitious and Idolatrous.*] And

And that the Church of *England* hath no reaſon to urge the Continuation of this other part of the *Teſt*, will appear, I humbly conceive, pretty manifeſt to thoſe, who will caſt off old Prejudices, and impartially weigh the following Conſiderations.

I. That ſeeing the Church of *England* has taken more than Ordinary care to give ſuch a general Explanation of the *Real Preſence* as may admit of a Corporal Preſence, and thus much ſhe hath done with a Deſign to encourage the Believers of *Tranſubſtantiation* to joyn with them in the Sacrament, ſhe cannot eſteem the Adoration of the Sacrifice of the Maſs to be Idolatry; for it's well known, ſhe would be thought to abhor the holding Communion with Idolaters; and to this ſhe muſt ſtick, or give up the Cauſe to the *Proteſtant* Diſſenters, who ſay, that they dare not hold Communion with that Church that will admit known Idolaters into their Communion. But ſuch doth the Church of *England* admit, in admitting the Believers of *Tranſubſtantiation*. That the Church of *England* is for admitting the Believers of *Tranſubſtantiation*, who adore the Sacrifice of the Maſs, has been abundantly prov'd; whence it follows, That the Church of *England* muſt either give up the Cauſe to the Diſſenter, or declare that the Believers of *Tranſubſtantiation*, tho' they adore the Sacrifice of the Maſs, are not Idolaters, and that the Adoration of the Sacrifice is not Idolatrous; and if not Idolatrous, how can they oblige all to declare it to be Idolatrous, or part with their Civil Rights and Privileges, for not making ſuch a Declaration? But

II. There are ſome great Doctors in the Church of *England*, who affirm, That the *Worſhiping* what is believed to be God, tho' it be not God, wants the Formal Nature of Idolatry; and it's not to be doubted, but that the Believers of *Tranſubſtantiation* do verily believe, that what they worſhip is God, how can they then inſiſt on their Idolatry? For altho' theſe Doctors are in a Miſtake, yet before it be ſo poſitively determin'd as in the *Teſt*, the Matter ſhould be fully debated amongſt themſelves; for it's not agreeable to the Rules of Wiſdom, for any Church to impoſe what is mat-

ter of doubt to ſome of her own Sons, who are Men of great Learning and Vertue.

III. As to the Invocation, or Adoration of the Virgin *Mary*, and other Saints, it muſt be obſerved, that *Proteſtants* themſelves have different Apprehenſions about the Nature of the Sin; and tho' all judge it an Error, yet all don't eſteem it Idolatry; and ſeeing here is not a word of *Images* in the *Teſt*, the Church of *England* will be hard put to it to prove it Idolatry; for if it be Idolatry, it muſt, in the Senſe of a *Proteſtant*, be either Idolatry againſt the *Firſt*, or againſt the *Second* Commandment: Not againſt the *Firſt*; for who are there of the Church of *England* that make the Invocation of Saints to exceed the Idolatry of the Heathen? The Author of *Julian parallel'd* it with Heatheniſh Idolatry, but who makes it *more* abſurd and groſs? And if it be an Idolatry only againſt the *Second* Commandment, ſeeing *Images* are not mentioned, how can it be made out, unleſs they fall in with the *Proteſtant* Diſſenter, and ſay, that as the *Firſt* Command forbids all *Falſe Objects*, ſo the *Second* all *falſe* Authors and Means of Worſhip, tho' directed Ultimately to the True God; and ſo grant, that what part of Worſhip ſoever has not God for its Author, is Idolatrous Worſhip, and thereby for the ſame Reaſon they make Invocation of Saints Idolatrous, they make a great part of their own Worſhip to be ſo too. And ſeeing they are ſo hard put to it to prove it Idolatrous, they ſhould not impoſe the Belief on't with ſo much Severity, as they have done it in this Caſe. But

IV. Altho' there were Reaſons for the making thoſe *Teſts* when under a *Church-of-England Prince*, yet there can be none for the continuance of 'em under a King who is for the Invocation of Saints; for it's a putting all thoſe Nobles, who enjoy their Birthrights, and the Repreſentatives of the Nation, to pronounce his Majeſty an *Idolater*, which is not according to the Duty of a Subject, nor indeed Civil. But if the Sons of the Church, who are for the fixing this *Teſt*, ſhould be treated by this preſent Government, as the Clergy treated ſome *Browniſts* in Queen *Elizabeths* Days,

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it would be made a Crime no leſs than Capital; for the *Browniſts* aſſerting, That the Church of *England* was no true Church, and that their Miniſtry was no true Miniſtry, the Clergy immediately made uſe of their *Inferring Faculty*, and Argued thus, to the deſtruction of ſome Mens Lives: If the Church of *England* be no true Church (as you affirm) then the *Queen*, the Head of it, is no true Chriſtian, but muſt be ranked among the Infidel and Heathen; that is, you do your utmoſt to expoſe her Majeſty to the Odium, and at laſt to the Rage of the People, and do what in you lies, to depoſe her Majeſty from the Throne; And thus it was made a *Capital Crime*, and ſome were Executed on *this* Account.

The Brownists *condemned the Church of* England *for no Church, enſnared many in the Nets of their new Schiſm. Neither could they be reſtrained, tho' their Books were prohibited, and two of the Ring-leaders Executed at St.* Edmundsbury. *Baker's Chron.*

But we need not Reaſon it thus with the Church of *England*; for without ſuch far-fetcht Conſequences, the very Principles and Practices of his Majeſty are called *Superſtitious* and *Idolatrous*, and his Majeſty by a moſt immediate Inference publickly declared to be an Idolater: And therefore I think it the Wiſdom of the Sons of the Church *now* to call to mind what they have done to their own Brethren in the Caſe above, and take heed that they continue not in a worſe Crime by a zealous ſticking to thoſe *Teſts*: For unleſs ſhe will give up the Cauſe to the Diſſenter in ſome momentous Inſtances, and be moreover guilty of that *Browniſtical* Practice, which ſhe has ſo ſeverely condemned in Queen *Elizabeths* Days, ſhe cannot be for the Eſtabliſhing the *Teſts*. And this I would leave with the Sons of the Church of *England*, that they may fix it on their Minds, and take heed, that above all Men *they* be not too eager in preſſing for a Continued publiſhing to the World that his Majeſty is an Idolater. It's requiſite, that they remember, how tender they have been of the Honor of thoſe Princes, that were of their own Religion; and if they will be as Loyal, as they profeſs, they muſt ſhew as great a regard to their Prince *now*, tho' of another Religion.

When they had a Prince of their own Religion, not only the *Browniſts* were condemned for expoſing the Queen to the rage of the *Mobile*, by their affirming the Church of *England*

land to be no true Church, and thereby making their Prince worſe than an Atheiſt; but at laſt they began to draw the ſame concluſions from Non-ſubſcribing, as Mr. *Nichols*, an humble Servant of the Engliſh Church, declares: *I have* (ſaith he) *heard it objected in a Sermon by a Reverend man, who now is a* Biſhop, *that by refuſing to ſubſcribe we make the Queen's Majeſty to be an* Atheiſt, *worſe than Papiſts, and namely of No Religion. For* (ſaith he) *you refuſe to ſubſcribe to the Book of Orders, then do you make that we have no good Miniſtry; you refuſe to ſubſcribe to the Book of Common-Prayer, then make you that we have no good Liturgy and Service of God; you refuſe to ſubſcribe to the Book of Articles, which contain the ſum of our Faith and Doctrine, then do you make that we have no ſound Doctrin. But theſe be the Books which* her Majeſty *by her Authority doth ſet forth, and by them ſheweth what Religion ſhe is of, and what ſhe holdeth and maintaineth; therefore, if there be no good Liturgy, no good Doctrin, no good Miniſtry, then it follows, that you make the Queen to be of no Religion.*

vide Nichol's *Plea for the Innocent.*

And thus much was urged to prove the Old Nonconformiſts to be Seditious, Rebellious, and implacable Enemies to the Queen's Majeſty; and I would fain know, whether it be not as miſchievous to repreſent any *other Prince* under the moſt odious Characters, as it is to expoſe *one of the Church of England's Communion.* If it be not, then there can be no Security in *England* while our Church-men prevail; for that Prince, whoſe Right it is to reign over us, is of a Religion different from theirs; that is, in plain *Engliſh*, our Church-men are reſolv'd to be Loyal no longer than the King is for the Church of *England*'s Religion. But if it be as pernicious to repreſent our Prince, of what Religion ſoever he be, under an ill Character to the People, then do all thoſe of the Engliſh Church, who are for a continuing this Teſt, out-do the old *Browniſts*; for what they did was by a remote Conſequence: They denied the Government of the Church of *England* to be good, but granted that there were many good Chriſtians of their

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Communion; and seeing the Government of the Church is considered distinctly from their Doctrins, and is not of the same Necessity to Salvation with their Doctrins, the saying, that an asserting the Government of their Church, and consequently their Ministry, to be naught, is a Damning their Doctrins, must be by a very remote Consequence. But in this Test, tho' it be the known Practice of a Roman Catholic to invocate the Saints, and adore the Sacrifice of the Mass; yet it's not only affirm'd by a few more privately, but must be publicly declar'd by all that will have any Interest in the Government, that this is *Superstitious* and *Idolatrous*, and consequently whoever is for this Practice is guilty of that Idolatry that is to be abhorr'd of all men.

Thus you may see the tendency of Establishing the *Tests*, how much it exposes His Majesty to the contempt of the *Mobile*, and consequently how much it endangers his Person and Government; and therefore how necessary 'tis to take all off. However,

To add one thing more; I humbly think that I may be bold in asserting, That such is the present case of *England*, thro' the multiplication of *Tests*, that a great part of our Gentry must be necessarily involv'd in the Guilt of *Swearing one thing*, and *Declaring another*; or it must be recogniz'd, that His Majesty, without the Aid of Parliament, may alter Oaths and Tests, and so vacate them; or, to prevent the King's doing it, 'twill be necessary that a Parliament concur with His Majesty in taking off all *Tests*.

My reason is this; Those Sheriffs, that have been Parliament-men, must take an Oath contradictory to the Parliamentary Test: For by the *One* he must declare, That he believes that there is no *Transubstantiation*, and that the Invocation of Saints is Superstitious, *&c.* and by the *Other* he must swear, That he will endeavor the Extermination of all those who do thus believe as just before he professed to do. For the Sheriff's Oath runs thus: *Ye shall do all your pain and diligence to destroy and make to cease all manner of Heresies and Errors, commonly called* LOLLARS, *within your Bailiwic from time to time, to all your power.* Now,

Now, whatever may be the reaſon of the name *Lollardy*, as whether it had its Riſe from one *Walter Lollard*, who was burnt at *Cologn* for an obſtinate Adherence unto his Opinions, as *Tritemius* in his Chronicle reports; or from *Lolium*, a Tare or Weed, that proves prejudicial to the Wheat, as our *Lindwood* has it; it's paſt doubt that the Doctrins of *Wickliff* were called LOLLARDY, and whoever embraced them were called *Lollars*; that is, whoever held, *That Images ought not to be worſhiped*; *that the Relics of Saints ought not to be adored*; *that after the Conſecration in the Maſs there remained Bread*; and *that the Natural Body of Chriſt is not there*; whoever held theſe Propoſitions were LOLLARS. Here then lies the Oppoſition between the Parliamentary Teſt and the Sheriff's Oath; by the former you declare to believe, That there is no Tranſubſtantiation, and that Invocation of Saints is Superſtitious; by the other you ſwear, That to the utmoſt of your power you will endeavor to exterminate all ſuch as do not believe Tranſubſtantiation, or do hold that Invocation of Saints, or Adoration of the Sacrifice of the Maſs, is Superſtitious. So that, as the matter is thus ſtated, the Proteſtant Gentry who carefully conſider theſe things muſt needs be marvelouſly perplex'd in their thoughts about it, and afraid leſt they contract on them the odious Guilt of ſwearing *they will do* what they declare *they ought not to do.*

Tritem. chron. Hir. Saug. vit. Sigiſm. an. 5.

Lollardiæ ſic dictæ à Lolio, quia ſicut Lolium inficit ſegetes, ſic Lollardi multotes inficiunt fideles ſimplices inter quos converſantur. *Lindwood.* Provinc. de hæret. c. finaliter. ver. *Lollardiæ.*

There are, I confeſs, two ways taken by ſome to ſolve this difficult appearance; but whoever inſiſts on either, will find himſelf ſtill more and more involv'd.

The firſt is what Sir *Henry Spelman* in his *Gloſſary* ſuggeſts, who tells us, That ſome by LOLLARDY underſtand *any Religion contrary to what is by Law eſtabliſhed*; and conſequently the Popiſh Religion, whereby the difficulty is removed; for by this Interpretation the Sheriffs do ſwear they'll extirpate the Religion of thoſe who believe *Tranſubſtantiation*, and are for the Adoration of the *Bleſſed Virgin*: But then it muſt be added, that beſides the ill tendency the Oath, thus interpreted, may have on the Government, eſpecially with reference to the Sheriffs of *London*

Noſtro ævo accipiunt *Lollardos* pro Inſtitutæ Religionis adverſantibus, eoq. vetus Sacramentum Vicecomitum ad proſequendos Lollardos juratorum, hodie attrahunt. verb. *Lollardiæ.*

don and *Middlesex*, within whose Bailiwic His Majesty resides, this way of altering the genuine sense of words necessarily introduces and justifies the grossest Equivocations: For *Lollardy* did never in any other Writings heretofore, nor at this day, signifie any such thing as is here pretended, and this sense of the Oath is quite contrary to the natural and genuine import of the words. And if *Church-of-England-men* may take an Oath in a sense so contrary to the true intent and meaning of it, why may not the Papists, and whil'st they are taking Church of *England* Tests intend a Popish sense? For thus 'tis with our Sheriffs; they take a Popish Oath in a Church of *England* sense, and whil'st they swear to endeavor the Extirpation of Church of *England* Doctrins, they mean Popery. Methinks it's past doubt, that if our Popish Gentry had been so profligate as some represent 'em, they need not be so much concern'd for the Taking off the Tests; were it not sufficient that they could write after this Church of *England* Copy? And as Protestants by *Lollardy* understand Popery, so by [Transubstantiation] might not our Gentry mean [Consubstantiation,] and by [Superstitious and Idolatrous] mean [what is agreeable to the mind and will of God?] and then take the Parliamentary Test in the following sense, thus: [*I* A.B. *do declare, That I do believe that there is no Consubstantiation in the Sacrament of the Lord's Supper, at or after the Consecration thereof by any person whatsoever; and that the Invocation or Adoration of the Virgin* Mary, *or any other Saint, and the Sacrifice of the Mass, as they are now used in the Church of* Rome, *are agreeable to the mind and will of God.*] For by the same Rule that [*Lollardy*] signifies [*Popery,*] [*Transubstantiation*] may signifie [*Consubstantiation*;] and the words [*Superstitious and Idolatrous*] may signifie [*what is agreeable to the mind and will of God.*] And if the one may be without an Equivocation, so may the other; so that this *Hypothesis* solves not the *Phainomenon*; it only opens the way to make all *TESTS* of *no use*, and then no matter whether they continue, or are taken away.

We will therefore, in the next place, conſider the other attempt, which is made by ſome to remove this difficulty, and it is this; That ſome time after Sir *Edward Coke*, when prick'd for Sheriff, ſcrupled this part of the Oath, care was taken to reform it, and this paſſage about *Lollardy* has been ever ſince left out; and that therefore now there is no inconſiſtency between the Sheriffs Oath and other Teſts. And in Anſwer unto this, I muſt acknowledge, That in the year 1625. this Oath was alter'd, and this Clauſe left out. But *by whoſe Authority*? Did any Parliament take this thing into conſideration, and make this amendment? No, it was done by the direction of the King's Council. How, by the *King*'s Council? Then by the *Regal Power* ſure; which once granted, what need we trouble our heads any longer about the Parliaments taking off the Teſts? For if, according to the Conſtitution of our Government, it belongs to the *Prerogative to ALTER* an Oath, by expunging any momentous part of it; no doubt it's as much within the Circle of Prerogative to make an Alteration on Teſts too.

Whence then I thus argue; The expunging this part of the Sheriffs Oath is *Valid*, or *not*: If not, then it muſt be reſtored, and all Sheriffs ſtand bound to ſwear, That they'll endeavor the Extirpation of thoſe Doctrins they profeſſed to be for, when they took the Parliamentary Teſts, and ſo muſt, as but now I prov'd, be either involv'd in the Guilt of *Swearing one thing*, and *Declaring another*, or muſt countenance the worſt of Equivocations; but if *Valid*, then the Regal Power can make alterations on Oaths, and ſo far change the controverted Teſts, as to diveſt them of all their ſuppoſed ſtrength: And if the Subjects will not concur with His Majeſty, who moſt graciouſly deſigns the ſetling the Peace and Quiet of the people in a Parliamentary way, do they not provoke him to the exerciſe of his Prerogative? And would it not be more agreeable to the Prudence of the Aſſerters of our Liberty and Property, to aſſure the King, That they will endeavor their utmoſt to chooſe ſuch to ſit in Parliament as will be for the Eſtabliſhing Liberty of Conſcience on a ſure Foundation, and ſecure the Civil Rights and

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Privileges of the Subject in ſuch a manner, that they may not be touched for the ſake of Religion?

Thus I have laid down a Scheme of thoſe Reaſonings which, in my Opinion, are ſtrong for the *Taking off* the *Teſts*, and have, I hope, with ſome Clearneſs evinced, that the Continuation of Penal Laws, by which, good Subjects are deprived of their Civil Rights for the ſake of their Religion, (and ſuch are the *Teſt*-Laws) is contrary to the Ancient Conſtitution of our Government, which ſecures our Civil Rights, Liberties and Properties, from the Aſſaults of thoſe who would for Religion diveſt us of them; and that therefore it's his Majeſty's Intereſt, which very much conſiſts in the Eaſe and Quiet of his Subjects, to be for the removal of all thoſe Laws: And ſuch are the Principles of *Proteſtant* Diſſenters, ſufficiently diſcover'd by their many Complaints againſt Perſecution for Conſcience ſake, that they cannot be for Penal Laws, nor for the *Teſt* Laws, which are of the ſame kind with them; and indeed, ſuch is their Intereſt, that unleſs they improve the preſent Overture, they may never have the like Opportunity more, and ſo be expos'd to the Curſe of their Poſterity, for entaling on them a laſting Perſecution. And as for the Church of *England*, if ſhe doth not hold, that *Dominion is founded on Grace*, and deſire to be delivered from the Odium of abetting ſo pernicious a Principle, or of doing the very thing for which they condemned the old *Browniſts* as Traitors, ſhe muſt be for the Taking off thoſe *Teſts*.

And now there remains nothing but the *Objections* againſt the Contents of this Diſcourſe, which are to be ſet down with fairneſs and faithfulneſs, that is, with that openneſs and ingenuity which becomes an Engliſh Heart, and to be Anſwer'd accordingly. Theſe Objections may be drawn together in a little room, as they are very happily by the Hand of a Learned and worthy Perſon, that hath ſent them me, (unto whom theſe Papers have been ſhewn); and becauſe I cannot draw them up more ſhort and full, I will give them as I have them.

In all Laws (ſaith the Gentleman) *the great or chief Thing*

which is to be attended, is the End *of their making, or the* Intention *of the* Lawgiver. *If the End of theſe* Teſts *were to get all, who are concern'd to take them, they were the moſt wicked Laws that could be made; for what could be more openly profane, than for a Man to renounce the Religion he thinks true? But this is not the* End *of the* Law; *the End is, that by the refuſing the* Teſt, *ſuch and ſuch Men may be hindred from ſuch and ſuch Offices and Employments, which they could not poſſeſs without Danger to the Publick: And there can be no Complaint here, but of their Grievance in being kept out of thoſe Advantages, which elſe they might enjoy. But as for that, an Anſwer is in every Mouth, that this is the Nature of Laws in general, to reſtrain* Particular *Perſons from ſome Conveniences (which were elſe their Right) for the ſake of the* Community, *that the* Publick Emolument *be promoted, or* Detriment *prevented. There is no Government could ſtand but on this Foundation.* That which is not profitable *to the* Bee-hive, *is not good for the* Bee, *as* Antoninus *has it. Now if the* Teſt *be Repealed, it is ſuppoſed we ſhall in due time have a* Parliament *trumpt up that may be moſt* Papiſts, *and the Popiſh Religion, conſiſting in the Decrees of General Councils, confirm'd by the Pope: The Council of* Lateran *(we know) hath decreed the Extermination of all Heretics, by which Means, the Nation being generally* Proteſtants, *may come to Deſtruction.* Popery *under* Toleration *may* Strengthen, *but* Popery *in* Dominion Ruins *this Nation. And what can be now ſaid to this with any ſatisfaction, I ſee not; ſeeing really there is but one thing could ſecure us, which is, if the King would lodge ſo much of his Power in the Hands of ſome Great Men (whom He and his People both durſt Truſt), as when an Act for Accommodation ſhall Paſs, might capacitate them to be effectual Guardians of it. In the mean time this being a thing not likely, I apprehend the Condition of the* Diſſenter *to be much at one with that of the* Lepers *at* Samaria. *If the Penal Laws continue of Force, they periſh; if the* Teſt *be* Repeal'd, *they may periſh too upon the Account mention'd. If they ſtay in the City, the* Epiſcopalian *will Famiſh them; if they go out, the* Papiſt *may knock them on the Head. What they will do, God knows, it is but being Perſecuted to Death, whether it be by the* one, *or the* other.

This

This is the Objection thus set down, wherein are these Things to be consider'd. Here is one Argument against the Taking off the *Tests*, drawn from the *Nature* of *Human Laws*; another from the *State*, and *Constitution* of the Popish Religion, with an Insinuation, that nothing, but one unlikely Expedient, can be found out for the securing us against our Fears, and in the close, a forced Acknowledgment, that such are the Circumstances of the *Dissenters*, that whose Interest soever it may be to Resolve on the Establishing the *Test* Act, yet it's theirs to be for the Repealing it.

To begin then with what is said in regard to the Nature of Human Laws; I grant, that in the composing all Laws, the good of Private Men is to give place to the good of the Public; for it is a Principle at the root of all Politics, that *Universi præsunt singulis, & singuli universis subduntur.* But I deny that to be good here, which is supposed. Here is certainly a Mistake, and a dangerous one in the Case. The Good supposed is, that the King must be thought to intend the Ruin of all his Subjects, but they that are, or will turn *Papists*; and to prevent this Ruin, the Rights of the Lords and Commons, which depends on the very Constitution of the Realm, must be subverted. I will answer therefore, that such a Thought of the King, as this, is a wicked Thought, for it is against Charity. It is an *Injurious* Thought, for it is against the King's constant *Profession*, both in his *Declaration*, and to every body, that he will not have Conscience to be constrained; and to say he is not of that Principle which he avouches, is to make the most stedfast and faithful Prince, to be the deepest Dissembler in the World. It is also a *Foolish* Thought, as if the King had a Purpose like to that in the Apologue of the Sea, determining with it's Waves to invade the Trees upon the Hills. If the main Body of the Nation were *Papists*, there were some Sense in these Fears; but when it is so exceeding contrary, in that regard there is no reason for them. On the other side, it is to be thought rather, and verily to be believed, that there are many worthy Gentlemen and Lords, that are *Roman Catholics* in the Land; and as they are *English Subjects*, they have *English Hearts*,

Hearts, and Engliſh Eſtates, who being ſenſible of the Frailty of Human Life, are willing to provide for themſelves and their Poſterity, by doing that to their Fellow-Diſſenters *now* under the Reign of a *Catholic* King, as they would have done to them under the Reign of a Succeſſor, who is like to be a *Proteſtant*; And an Act for Univerſal Liberty of Conſcience, in Repealing all the Penal Statutes about Religion, being their Intereſt in common with other Diſſenters, and Intereſt being a thing that will not lie, they may be truſted in this Matter.

But it is added by the Objector, That the Popiſh Religion conſiſting in the Decrees of General Councils, confirm'd by the Pope, and the Council of *Lateran* having decreed the Extermination of all Heretics, we ſhall ſoon after the *Taking off* the *Teſts* have a *Popiſh* Parliament trumpt up, who, to eſcape Damnation in the *next* World, will be neceſſitated to deſtroy all Heretics within their Compaſs in *this*.

And here lieth the ſtrength of the Objection, which I ſhall endeavor with all the clearneſs I can to enervate; and to this end muſt beſeech the Reader in the firſt place, to obſerve the great Difference there is between the *Engliſh Papiſt*, and thoſe of other Countries; for the *Engliſh* would never pay that Reſpect unto *Foreign Councils*, nor that *Homage* to the *Roman Pontiffs*, which other Nations have done, and conſequently, that our Country-men of the *Romiſh* Communion are *not under* the like Obligations of ſubmitting unto the Decrees of General Councils, which other *Papiſts* are.

Our Hiſtories and Law-Books do furniſh us with Inſtances innumerable, that our Foreſathers of the *Romiſh* Communion, boldly aſſerted the Kingdom of *England* to be an *Abſolute Empire and Monarchy, conſiſting of one Head*, which is *the King*; and of a *Body Politic*, *Compact* and *Compounded* of almoſt *Infinite ſeveral, yet well agreeing Members*, viz. the *Clergy* and *Laity*, *both of them next, and immediately under God*, *Subject* and *Obedient* to the *King* their Head.

Spelman Conc. p.622. Rex autem qui *Vicarius ſummi Regis* eſt.

And amongſt the Laws of St. *Edward* the Confeſſor, it is declar'd, "That the King, who is the *Vicar* of the higheſt "King [not of the Pope] is ordain'd to this End, that he ſhould

" ſhould Govern and Rule the Kingdom and People of the " Land, and above all things the *Holy Church*. And when the Pope would have *William* the Conquerer recognize his Supremacy, the King's Reply was, That he could not find that any of his Predeceſſors did ever part with that Jewel of the Crown, and he was therefore reſolv'd to keep it. And *William Rufus*, his Son and Succeſſor in this Kingdom, declar'd, That he would rather part with half his Kingdom, than with the Supremacy. Nor would *Henry* the *Firſt*, as *William Warleſtwaſt*, elect Biſhop of *Exeter*, told the Pope, loſe the Authority of Inveſting his Prelates for the Crown of the Realm.

King *Stephen* had the Courage to ſeize into his Hands the Biſhop of *Salisbury*'s Caſtles and Goods; and altho' a Synod was call'd by the Biſhop of *Wincheſter*, the Pope's Legat, and Complaint made to the Synod, yet the Clergy were at laſt compell'd to a Submiſſion to the King. *Henry* the *Third* would by no means yield, that his Clergy were ſo much under the Pope's Conduct, as not to be Proſecuted by the Secular Powers for Matters Criminal. King *John* alſo, till forſaken by his Nobles, was a valiant oppoſer of the Pope's Power. And the ſeveral ſucceeding Princes maintain'd their Supremacy with a like Courage, eſpecially *Edward* the *Third*, and *Richard* the *Second*; And, what is worthy of Obſervation, the ſevereſt Laws againſt Suing unto the Court of *Rome* without the King's leave, were Enacted in the time of *Rich.* the *Second*, even the Statute of *Proviſors* and *Præmunire*. And that the Statutes made in the Reigns of *Henry* the *Eighth*, *Edward* the *Sixth*, and Queen *Elizabeth*, were not *Introductory* of any New Law, but *Declaratory* of the Ancient Law of the Land, *viz. That this Kingdom is Imperial*, is too plain to admit of the leaſt doubt.

And, as our Kings were ever tender in the point of the *Supremacy*, and would never part with it, nor pay that regard to Foreign Laws that other Nations have done; in like manner it has been adjudged by a *Popiſh* Parliament, That no Laws of any Foreign Powers are of force in this Realm, unleſs they have been deviſed and obtained within it, or unleſs 25 *Hen.* 8. *cap.* 21.

less by sufferance of our Kings the People have taken them up at their free liberty, and by their own consent let them be used amongst them. The words of the Statute run thus: 'Whereas these your Grace's Realms, recognizing *no Superior under God*, but only your Grace, have been, and 'are, free from Subjection to any man's Laws, but only to 'such as have been devised and obtained within this Realm, 'for the Wealth of the same; or to such others as, by 'sufferance of your Grace, and your Progenitors, the People of this your Realm have taken at their free liberty by 'their own consent to be used amongst them, and have bound 'themselves by long Use and Custom to the Observance of 'the same; not as to the Observance of the Laws of any '*Foreign* Prince, Potentate, or *Prelate*, but as to the Customed 'and Ancient Laws of this Realm, originally established as 'Laws of the same, by the said Sufferance, Consents and 'Custom, and none otherwise.

So far the Statute, declaring the Judgment of *Roman Catholics*, in *Henry* VIII's days; whence I thus argue, *That no Decrees of any Foreign Powers, whether those of a General Council, or of the Pope, are of force here antecedently to our receiving them; And that the saying this is a Decree of* Rome, *or of any* General Council, *confirmed by the* Pope, *is not sufficient to oblige us to conclude that therefore an* English Papist *must submit unto, and act in pursuance of it; for until that Canon, or Decree, be by the Authority of the Land placed amongst our Laws, it doth not oblige the* Roman Catholic *of this Kingdom.*

Part 5. Cawdrey's *Case.*

And that this has been the sense of the English Roman Catholic before *Henry* VIII. is easily evinced out of Sir *Edward Coke*, who, in his *Reports*, declares, *That by the ancient Canons and Decrees of the Church of* Rome, *the Issue born before the Solemnization of Marriage, is as lawfully inheritable (Marriage following) as the Issue born after Marriage. But this was never allowed or appointed in* England, *and therefore was never of any force here. And this appeareth by the Statute of* Merton, *made in the* 20*th year of King* Henry *III. where* all *the* Earls *and* Barons *with* one voice *declare, That they will not change the Laws of* England, *which hitherto have been used and approved.*

ved. Besides, it's further to be observed, that in *Henry* VIII's time it was by the King, the Lord's Spiritual and Temporal, and Commons in Parliament assembled, who were all of the *Roman* Catholic Religion, declared, *That the Body Spiritual, (namely the Archbishops, Bishops, and other Ecclesiastical Officers, resiant within this Kingdom, and) called the* English Church, *hath* always *been reputed, and also found, of that sort, that both for Knowledge, Integrity, and sufficiency of Number, it hath been* always *thought, and is also at this hour, sufficient, and meet of it self, without the intermedling of any* Exterior *Person or Persons, to declare and determine all such Doubts, and to administer all such Offices and Duties as to their Rooms Spiritual doth appertain.*

So far the Statute 24 *Hen.* 8. *c.* 12. From which I infer, That as the English Papists differ from Foreign Papists, so the reason they give for what they hold in contradistinction to *Foreign* Papists is very cogent and powerful. They need not apply themselves to any Foreign Power, because they have always had at home persons every way qualified to determine all their Doubts.

And this was not only the Judgment of the *Papists* at this time, but, as they declare, this has been the sense of their Forefathers; for, say they, it has been *always* reputed, it has been *always* found, it has been *always* thought, heretofore as well as at this hour: and whoever will look back to the first words of the Statute, may see cause to conclude, that thus much they gathered out of the divers Authentic Histories and Chronicles, which they consulted. And that this must be esteemed, especially by the Church of *England*, to be the sense of the *English* Papist, is manifest from the whole scope of Archbishop *Bramhall*'s arguing against the Papists in *Vindication of the Church of* England, when he charges the Papists for making the first Separation from *Rome*. The first Separation (saith he) was not made by Protestants, but by Papists; and he endeavors to justifie the Separation, by proving, that always the English Papists esteem'd themselves a Church that did ever renounce the Pope's Supremacy; and that what *Henry* VIII. did, was no

more than an acting in purſuance of the ancient Law of the Land.

To this of the Archbiſhop's I add, That if the firſt Separation from the Church of *Rome* was made by Papiſts, then it's the Judgment of *Engliſh Papiſts* that they do not ſtand oblig'd to any *Foreign* Councils; 'tis their Judgment, that tho' they grant the Pope a *Primacy of Order*, yet that he ought not to have a *Supremacy of Juriſdiction*; for the Crown of *England* is Imperial, and the Engliſh Biſhops are ſufficiently qualified to determine all matters of doubt within themſelves: And this has been always their Judgment, and is ſo at this time; for *our King*, by a continued Exerciſe of his Eccleſiaſtical Supremacy, aſſerts it to be a Jewel inherent in his Crown, and not to be parted with.

This then being the avowed Principle of the Engliſh Papiſts, the mentioning the Decree of the Council of *Lateran* as what obliges them, before it is prov'd to have been received amongſt our Laws, cannot affect us; for until it be taken in amongſt our Laws, it obliges not an Engliſh Papiſt, nor are they bound to take in this Decree amongſt our Laws, any more than they were anciently obliged to receive the Canon about *Baſtardy*.

Furthermore, whoever will look into this Objection, he muſt needs ſee it to be *ill*, as well as *weak* in the Foundation: For to give ſtrength to their Argument, it muſt be preſumed, That either the Body of the People will turn Papiſt as ſoon as the Teſts are taken off, and chooſe none but Papiſts to ſit in the following Parliament, (for to ſay ſome few may, for Preferment, does not reach the Caſe;) or a *Parliament contrary to all Laws ſhall be impoſed upon us*. To preſume the *former*, is to inſinuate, without the leaſt colour of Reaſon, that the Body of the Kingdom have nothing to ſay for their being Proteſtants, but this, That their Religion is uppermoſt, and eſtabliſhed by Law; and that there are ſuch Teſts impoſed on thoſe who ſit in Parliament, that Popery is like never to be eſtabliſhed. But whatever may be ſaid of the Church of *England* (of whom yet I have better thoughts) the world knows, that a great part of the Nation,

Nation, notwithstanding the severity of the Penal Laws, could not be persuaded to close with the Church of *England*, because there was so much *Popery* in it; and it's to be supposed they'll abide so firm to the Protestant Religion, when they are in no danger of Sufferings, as they did when they suffer'd so very much: And it must be further considered, That these Dissenters, when Penal Laws hung over their heads, and they were in constant danger of being immediately destroyed by them, did even then appear so vigorously in the choosing their Representatives, as to carry it for three Parliaments successively, against the Papist and Church of *England* too; and it's not to be doubted but that when the Penal Laws are taken off, they'll not be less Able, nor less Industrious, to choose such to sit in Parliament, as shall be far from introducing the *Lateran* Decree into their Laws for extirpating the Protestant Religion.

If, on the other hand, it shall be urged, That a Parliament contrary to the *Fundamentals* of our Constitution shall be imposed on us by Regal Authority, (which is a thing, the thoughts whereof should be abhorr'd by every good Subject); it cannot be apprehended to be more Legal *hereafter*, than such a Parliament *presently* chosen, & made up of whomsoever He pleases without taking the Test: And, considering that our King is aged, if such a thing were design'd, would it not be the Papists Interest to take that course immediately? And seeing they take it not *now*, may we not conclude rationally, that they'll not do it hereafter? And yet farther, if this were supposed as to the House of Commons, the House of Lords, for all that, are so many of 'em Protestant, and out-ballancing the Papists, that, unless we will reflect on our Nobility as well as on His Majesty, and the Body of the Nation, and say, That as soon as the Tests are taken off they'll be all Papists also, there is no fear of such a matter.

Again, the *Papists* also must be presum'd to be all fallen under the most strange deliration and madness imaginable; seeing otherwise they must know, that if they declare themselves to be for *violent* Methods, or make any such attempt,

it muſt be with the greateſt diſadvantages to themſelves; for it is as if Five men would encounter a Thouſand: And they muſt conſider how much ſuch an Attempt would enrage the whole Kingdom, and how uncertain they are of compaſſing their end in this King's Reign; and how eaſie is it for the Proteſtants, under a Succeſſor of their Religion, to deſtroy the Papiſts? So that the very Attempt would but prepare their Families and Poſterity for a Sacrifice under a Proteſtant Succeſſor.

If then there be any wiſe men of Eſtates among them, that can influence, they'll ſee it their Intereſt, and make it their Endeavor, if poſſible, to Eſtabliſh Liberty of Conſcience on a Rock that can never be moved. And altho' ſome may ſay, that the Prieſts and Jeſuits are a Fiery-ſpirited People, who are for puſhing on to violence; yet it's manifeſt that our *Popiſh* Gentry heretofore were never ſo Prieſt-ridden as to regard the Prieſts Humor more than their own Safety, and on all occaſions have demonſtrated ſo much: For, even in *Richard* II's Reign, when *Braybrook* the Biſhop of *London* (being then Lord Chancellor) ſent out, among the Statutes then to be publiſh'd by the Sheriffs of Counties, a Statute for the perſecuting the *Lollars*, the Commons, being the year following called to ſit in Parliament, preferr'd a Bill, reciting the ſaid ſuppoſed Act; and, to uſe Sir *Edward Coke*'s words, conſtantly affirmed, That they never aſſented thereunto, and therefore deſired that the ſuppoſed Statute might be *aniented*, and declared void; for they proteſted that it was never their intent to *bind themſelves and their Succeſſors to the Prelates*, more than their *Anceſtors had done in times paſt*; and hereunto the King gave his Royal Aſſent in theſe words, **Ꝑpleiſt au Roy.** And as the Commons would not then conſent to the making Laws againſt the *Lollards*, ſo they endeavor'd, both in the Reigns of *Richard* II. and *Henry* IV. the diſpoſſeſſing the Clergy of Church-Lands; and in *Henry* V. prevailed ſo far, as to ſuppreſs the Friers Aliants, whoſe Lands were united to the Crown; and, had it not been for their War with *France*, and the Contention between the two Houſes of *York* and *Lancaſter*,

caſter, it's probable, that before *Henry* VIII's time, the inſolence of the Clergy had been ſo ſeverely check'd, as it was done by that Great Prince. We muſt not therefore judge of our King and Popiſh Gentry by Foreign Papiſts, nor by hot-headed Prieſts at home; but muſt remember, as a little before I noted, that Engliſh Blood runs in their Veins, and that they'll labor to excell all their Progenitors in thoſe Vertues that have raiſed them to an Honor and Glory Immortal; eſpecially conſidering 'tis His Majeſty's Principle to be for Liberty of Conſcience.

But if the Engliſh Papiſts had been ſo Bloody as the Objection ſuggeſts, I cannot ſee how the continuing the preſent Teſts can indubitably prevent the feared miſchief; for in the Teſts there is not one word againſt Perſecution, and a man that takes theſe Teſts may, notwithſtanding any thing in them, be as ſevere in fetching Blood from Diſſenters in Religion, as ever any of the Heathen Perſecutors have been: And the whole that can be ſaid is this, That the Church of *England* would *engroſs all Perſecuting Power* into her own hands; for all her care is to keep all others out of the Government, but no care taken to prevent the making Laws for the extremeſt Perſecution. And if, as a Book, lately publiſh'd by one of the Church of *England*, affirms, there be an innumerable Company amongſt the Papiſts, who believe not *Tranſubſtantiation*; why may it not be ſuppoſed poſſible for our *Engliſh* Papiſts to fall in with them in this point, and with ſome others of that Communion, who judge the Invocation and Adoration of the Virgin *Mary*, as generally uſed in the Church of *Rome*, to be Superſtitious and Idolatrous, and ſo take theſe Teſts, and leap into the Government, and enact Bloody Laws againſt all thoſe who won't ſubmit unto the Pope, and receive the other controverted parts of Popery? It's manifeſt that our *Engliſh Papiſts* are for the ſweetning methods in moſt points of Doctrin; and tho' I think that this is not very probable, yet it being as probable as what the Objection intimates, it may be as fairly urged. And we have the greateſt reaſon to ſay, that if it be only exterminating Laws that the Church of *England* are afraid of, another *Teſt* againſt all ſuch Bloody Principles and Practices will more effectually ſecure us.

An Hiſtoric Treatiſe touching Tranſubſtantiation, by a Roman Catholic.

The Author of the Anſwer to the two Diſcourſes of the Real Preſence, &c. printed at Oxford, doth in his Preface mention many Roman Catholics, Men of great Learning, who did not believe Tranſubſtantiation, viz. Picherellus, Du Perron, *Father* Barns *the* Benedictine, De Marca *Archbiſhop of* Paris, *Father* Simond *the* Jeſuit, De Marolles *Abbot of* Ville-Loyn.

This is enough to give Satisfaction to the Objection; however, I will *ex abundanti* add ſomewhat more, and conſider what may be ſaid to it with reference to an Expedient to prevent the Miſchiefs that are invented, and ſuppos'd to follow from the taking away the *Teſts*, and then fear'd, unleſs One only Way be taken, which is ſo high a One, as cannot be hoped, and I muſt anſwer, that I doubt not but there are many Ways to be found out by the Wiſdom of a Parliament, to anticipate any Deſign of getting a future Parliament of Papiſts that ſhall ſet up Popery by a Law. For what if it were offered to His Majeſty, that they will comply

ply to have all the Laws againſt Papiſts and Diſſenters to be totally repealed, reſerving the *Teſt* only upon the Two Houſes during the King's Reign, and that then the *Teſt* ſhall ceaſe alſo? If the King would conſent to this, which is a great deal leſs than what this Gentleman hath hinted, might we not be ſure that the Papiſts ſhall never be in a capacity to make Laws for the Extirpation of Proteſtants? If the King would not be pleas'd with this, but propoſe ſomething himſelf in exchange of the Teſt, which ſhould be a better Defence againſt this ſuppoſed Danger than that is, ſhould we not be willing to have the *Mud-wall* thrown down, ſo long as we may have a *Brick-wall* for it about our Houſe? Nay, what if upon ſuch an Act once paſs'd, as gives Quiet to the Land, the King ſhould afterward ſee no need of another Parliament, and reſolve to have none till he ſaw need, would not this Objection be then ſolv'd and confounded alone by that? Beſides, who is there certain, let him be what Contriver he will, that he ſhall live to ſee another Parliament after the next? Are not the Lives of Princes in God's hand, as well as thoſe of the meaneſt men; and are there not a thouſand Accidents that may intervene, and prevent the deepeſt Machinations of ſuch as think themſelves moſt wiſe? Is there nothing to be allowed to the Volubility of Human Affairs, and the Providence of God? Let an Indulgence be enacted; and *is it not good that there be Peace and Truth in our days*? (as *Hezekiah* ſaid.) Again, if another Parliament be called, let but free Election be ſecured, and falſe Returns prevented, and that alone will go far to do the Buſineſs.

But the great thing I inſiſt on, is the King's ſolemn and oft repeated *Declaration*, that it's not only the giving us Eaſe during his Majeſty's Reign, that he deſigns, but that a *Parliament*, in Concurrence with him, may Settle *Liberty of Conſcience* on ſuch a Bottom, as may never be moved. For let any thing be invented by the Wiſdom of Parliament, that may be but equitably offer'd for the ſecuring ſuch an Act never to be infring'd, we may be ſure he will grant it. The King would fain leave with his Subjects ſuch a *Magna Charta* for the ſecuring them the Liberty of their Conſciences, as they have for their Civil Liberties, and Property. His Majeſty has obſerv'd the doleful Effects of Perſecution for Conſcience ſake, and the Miſchiefs of Penal Laws for Meer Religion, and finds no way ſo likely to Eſtabliſh an Univerſal Peace and Tranquillity amongſt his Subjects, as the taking off all Penal Laws for Religion. But there are a ſort of Men in the Nation, I mean ſome of the *Engliſh Clergy*, who think they can live no longer than they have leave to Perſecute others; and they inſinuate into the Minds of Men all that is bad of his Majeſty, and make diſmal Outcries, as if Perſecution was the only Bulwark of the *Proteſtant* Religion. And that the *Proteſtant* Diſſenters (to their own hurt) may be enſnar'd to an Agreement with them in this Point, they tell 'em, Take off the Teſts, and Popery will break in as a Flood. And altho' the Church of *England* can more eaſily deſtroy the *Proteſtant* Diſſenter in one Year, and probably will,

if

ſoever a Church-of-*England* Succeſſor enters the Throne before the Penal Laws be vacated, than the *Papiſts* can in twenty Years: Yet this Noiſe of a Popiſh Perſecution is made uſe of to frighten the Diſſenter into ſo fatal an Infatuation, as to be content with the bearing on of a certain and grievouſly-complain'd of Burden, for fear of one uncertain and improbable.

And if this can't be helpt, ſo that neither the Church of *England* men, nor *Proteſtant* Diſſenters will exerciſe any Patience in giving the King Credit, when he expreſſes the Senſe of his Soul, and his Deſires of ſuch a Parliament, and ſuch an Expedient, that may anſwer the great Ends both of himſelf and all good Subjects; If meerly, I ſay, to eſcape a fancy'd Danger, our Nobility and Gentry will be Reſolute in their Adherence to the Penal Laws and Teſts, and will not attend to any Offers to be made for an Accommodation, unleſs ſuch a one of this Gentlemans, as perhaps cannot be granted, I would humbly propoſe to their Conſideration, what have been the fatal Miſchiefs of ſuch a prevailing Obſtinacy amongſt the Subjects, with regard to our two late Kings, *Charles* the Firſt, and *Charles* the Second, and do pray Almighty God to prevent the like amongſt us, who are under the Government of ſo Excellent a Prince. It cannot be yet forgotten, that in *Charles* the Firſt's Reign, after a Cruel Bloody-Civil War, Propoſitions were ſent the King, to which his Majeſty of Bleſſed Memory, gave an Anſwer ſo full, as could not but give Satisfaction to the moſt unreaſonable Men of the Parliament Party; yet thoſe who deſign'd the Death of that Great Prince, blew off all with this Reply, *It's true, the King has granted all we can deſire, but as ſoon as he is ſetled again in the Government, he'll recall all, and all that he has granted will be to little purpoſe.* And thus they brake off all Treaties, and brought the King to the Block, and the whole Kingdom into Confuſion. But becauſe many are yet alive, who have drunk deep of the Miſeries our Nobles and Gentry were then expos'd unto, I need not ſtay on a particular rehearſal of theſe things.

Again, in the Reign of his late Majeſty, there was a Party moſt Reſolute in their Adherence to the *Bill of Excluſion*, which the late King ſaw cauſe to be as firmly againſt: But to prevent their Fears and Jealouſies, he would grant 'em any thing they ſhould Preſent unto him for the ſecuring the *Proteſtant* Religion, and the eaſing the *Proteſtant* Diſſenter. And what was the iſſue of the Adherence unto that Bill, but Ruin to the whole Kingdom? For from this Bill all the Confuſions, Conſpiracies, and Rebellions, to the Deſtruction of Thouſands in the Nation, had their Riſe.

His preſent Majeſty ſees as much reaſon to be for the taking off all the Penal Laws, and ſo the very *Teſts* themſelves; and I cannot but be of Opinion, that the Nobility and Wiſe Men of the Nation, will therefore weigh the Matter in all it's Circumſtances, and learn from the Two laſt Reigns, not to fall into the ſame obſtinate Oppoſition to his Majeſty. But conſidering his Majeſty gives us the ſtrongeſt Aſſurances to ſettle

LIBERTY OF CONSCIENCE on a *Rock that cannot be shaken*, that so nor *Papist*, nor *Church of England*, nor any other, may Persecute the rest of the People for their Consciences, will wisely Consult on an *Expedient* that may compass so Noble a Design of Good to the whole Kingdom, and fully demonstrate to the whole World, that there is nothing of Argument in the Objection; That there is nothing but *Groundless Jealousie* and *Ill-design* in those that stick so very much on it. For if there be any *Truth* in the King, and *Truth* in the Nation, there can be nothing in all this Noise. And because his Majesty is known to the whole World to be most Resolv'd in Keeping his Word, and the Nobles and Gentry of the Nation are Renown'd for their Wisdom, how comes it to pass that our Jealousies don't cease? Surely the Gentleman that has sent me the Objections, cannot but reflect on it, who having compar'd the Case of the *Protestant* Dissenter to the Lepers of *Samaria*, must be also suppos'd to prefer their Wisdom, who shall be ready to venture upon Present Relief from a Parliament concurring with his Majesty, tho' of the *Roman-Catholic* Communion, rather than expose themselves to the assur'd Misery that must attend the Continuance of the Penal Laws and Tests. Especially if we consider the Advantages this is like to bring to all Parties: in the Peace and Flourishing of our Country, wherein every one is equally concern'd, and which therefore made the King deliver that Saying (with which I shall conclude my whole Argument) thus, *That Person cannot be a true Englishman in his Heart, who is not for Liberty of Conscience.*

FINIS.

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